ESTTA Tracking number:

ESTTA1060817

Filing date:

06/09/2020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91245759
Party	Defendant Zoetop Business Co., Limited
Correspondence Address	SUSAN L HELLER GREENBERG TRAURIG LLP 18565 JAMBOREE ROAD, SUITE 500 IRVINE, CA 92612 UNITED STATES gtipmail@gtlaw.com, octm@gtlaw.com, hov@gtlaw.com, shins@gtlaw.com, hellers@gtlaw.com, linkerg@gtlaw.com 949-732-6810
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Susan L. Heller
Filer's email	gtipmail@gtlaw.com, hov@gtlaw.com, hellers@gtlaw.com, linkerg@gtlaw.com
Signature	/Susan L. Heller/
Date	06/09/2020
Attachments	759 Opposition Joint Motion.pdf(187538 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SCHEIN ORTHOPÄDIE SERVICE KG,

Opposition No. 91245759

Opposer,

Application No.: 87857183

Mark: SHEIN

v.

Filing Date: March 30, 2018

ZOETOP BUSINESS CO., LIMITED

Applicant.

MOTION TO EXTEND PRE-TRIAL AND TRIAL DEADLINES

Opposer Schein Orthopädie Service KG ("Opposer") and Applicant ("Zoetop Business Co., Limited") hereby submit this Joint Motion to Extend Pre-trial and Trial deadlines under Fed. R. Civ. P. 6(b);

Due to the ongoing circumstances resulting from the COVID19 global pandemic, the parties' business operations have been disrupted and settlement negotiations have not yet been finalized. The parties remain committed to amicably resolving this opposition, however, they will need some additional time to move settlement discussions forward, given the current conditions created by the pandemic.

The parties have been actively and in good faith engaged in settlement discussions in an effort to resolve the opposition. Attached please find a Status Report (Attachment A) identifying the extensive communications between the parties in an effort to work out a resolution of this opposition.

Further, written settlement proposals have been exchanged between the parties in order to reach a worldwide settlement agreement and progress was being made towards resolution.

Therefore, the parties respectfully request that all pretrial and trial dates be extended by 60 days (as shown below) so that the parties may continue to devote their time and resources to settling this matter.

Time to Answer	August 12, 2020
Deadline for Discovery Conference	September 11, 2020
Discovery Opens	September 11, 2020
Initial Disclosures Due	October 11, 2020
Expert Disclosures Due	February 8, 2021
Discovery Closes	March 10, 2021
Plaintiff's Pretrial Disclosures Due	April 24, 2021
Plaintiff's 30-day Trial Period Ends	June 8, 2021
Defendant's Pretrial Disclosures Due	June 23, 2021
Defendant's 30-day Trial Period Ends	July 7, 2021
Plaintiff's Rebuttal Disclosures Due	August 22, 2021
Plaintiff's 15-day Rebuttal Period Ends	September 21, 2021
Plaintiff's Opening Brief Due	November 20, 2021
Defendant's Brief Due	December 20, 2021
Plaintiff's Reply Brief Due	January 4, 2022
Request for Oral Hearing (optional) Due	January 14, 2022

Respectfully submitted on June 9, 2020.

GREENBERG TRAURIG LLP	COLLARD & ROE, P.C.
/Susan L. Heller/	/Stewart J. Bellus/
Susan L. Heller 18565 Jamboree Road Suite 500 Irvine, CA 92612 Telephone: (949) 732-6810	Stewart J. Bellus 1077 Northern Blvd. Roslyn, NY 11576 sbellus@collardroe.com
gtipmail@gtlaw.com hellers@gtlaw.com	

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing Joint Motion to Extend Pre-Trial and Trial Deadlines was served by e-mail and first-class mail on June 9, 2020, upon counsel for Opposer at the following address of record:

Stewart J. Bellus Collard & Roe P.C. 1077 Northern Blvd. Roslyn, NY 11576 Telephone: 516-365-9802

sbellus@collardroe.com

____/Grace Linker /____

ATTACHMENT A

STATUS REPORT OF COMMUNICATIONS BETWEEN PARTIES REGARDING POTENTIAL SETTLEMENT

DATE	COMMUNICATION BETWEEN THE
	PARTIES
01-08-2018	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
18-08-2018	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
25-10-2018	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
29-12-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
1-2-2019	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
6-2-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
13-2-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
15-2-2019	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
16-2-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
19-2-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
4-3-2019	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
6-4-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
10-4-2019	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
10-4-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
10-6-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
12-6-2019	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
18-6-2019	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
24-7-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG

DATE	COMMUNICATION BETWEEN THE
	PARTIES
23-8-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
2-9-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
3-9-2019	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
7-10-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
24-10-2019	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
5-11-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
25-11-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
26-11-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
2-12-2019	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
9-12-2019	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
17-12-2019	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
18-12-2019	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
20-12-2019	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
20-12-2019	Email from Schein Orthopädie Service to
	Zoetop Business Co., Limited
14-1-2020	Email from Zoetop Business Co., Limited to
	Schein Orthopädie Service KG
27-1-2020	Phone call between Zoetop Business Co.,
	Limited and Schein Orthopädie Service KG
13-2-2020	Email from Mr. Zoetop Business Co., Limited
	to Schein Orthopädie Service KG
8-3-2020	Email from Mr. Zoetop Business Co., Limited
	to Schein Orthopädie Service KG